

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6338**

**BILL NUMBER:** SB 200

**NOTE PREPARED:** Apr 8, 2011

**BILL AMENDED:** Apr 7, 2011

**SUBJECT:** Environmental General Permits.

**FIRST AUTHOR:** Sen. Gard

**FIRST SPONSOR:** Rep. Wolkins

**BILL STATUS:** As Passed House

**FUNDS AFFECTED:** ☒ **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State

**Summary of Legislation:** This bill allows the Department of Environmental Management (IDEM) to develop and issue National Pollutant Discharge Elimination Systems (NPDES) general permits under federal law. The bill establishes transitional provisions for current NPDES general permits authorized by rule. It requires IDEM to conduct an antidegradation review of all NPDES general permits. The bill provides that IDEM may modify the general permits for purposes of antidegradation compliance. After an antidegradation review of a permit is conducted, activities covered by an NPDES general permit are not required to undergo an additional antidegradation review.

IDEM must establish a general coal mine permit that may be obtained for a facility instead of obtaining another more specialized NPDES coal mine permit and to determine the criteria that must be met to qualify for the general permit. The general permit must allow a coal mine operator the option of submitting a notice of intent to be governed by the general permit requirements before the requirements apply to the coal mine operator.

The bill requires persons regulated by a NPDES general permit to submit a notice of intent within 90 days after IDEM makes the form available.

**Effective Date:** Upon passage; July 1, 2011.

**Explanation of State Expenditures:** *Antidegradation Permits and Review.* The bill provides that IDEM must complete an antidegradation review of all NPDES general permits. IDEM may modify the general permits for purposes of antidegradation compliance. After an antidegradation review of a rule permit is conducted, activities covered by an NPDES general permit are not required to undergo an additional

antidegradation review. Under existing law, IDEM must complete an antidegradation review of the rules of the Water Pollution Control Board that authorize NPDES general permits. The board may modify those rules for purposes of antidegradation compliance. Additionally, after an antidegradation review of a rule is conducted, activities covered by an NPDES general permit authorized by that rule are not required to undergo an additional antidegradation review. Shifting the responsibility from the Board to IDEM should have no significant impact on IDEM.

*Rules.* The Board must amend existing rules to eliminate the requirement that NPDES general permit terms and conditions be contained in a rule; and the terms and conditions of each NPDES general permit. The bill provides that IDEM may develop and issue NPDES general permits in accordance with 40 CFR 122.28. This provision will not have a significant impact on IDEM.

*Coal Mines.* The bill provides that IDEM must establish a general coal mine permit. This provision will not have a significant impact on IDEM.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** IDEM.

**Local Agencies Affected:**

**Information Sources:** Brad Baughn, IDEM.

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